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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/519,145

10/07/2005

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EXAMINER

BEACH, THOMAS A

ART UNIT

PAPER NUMBER

3671

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/519,145	Applicant(s) HAHEIM ET AL.	
	Examiner THOMAS A. BEACH	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 8, 10, 19-28 and 30 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 8, 9, 11-18, 29 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 7, 8, 19-26, 28, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Council 5,244,046. Council shows a well assembly and method, for intervention of a subsea well or a well head by means of a wireline or a coiled tubing connected to a tool or a toolstring, comprising lubricator means and an injector package 50/54, and in which the injector package is adapted to inject the wireline or coiled tubing 62 into the well or well head, the lubricator means is adapted to be fitted in a lubricator package and define a locking chamber via which the wireline or coiled tubing is to be forwarded to the well or well head (col 6 lines 22+) wherein the lubricator means comprises a lubricator pipe 40a element and an associated moveable (piston 35) stripper/packer element 40 adapted to be connected to a well barrier module on the well head (col. 6, lines 22-35), the lubricator means 64 being adapted to be connected to the well head, the injector package, comprises an injector module, being adapted to be fitted to the well head, and that wherein the injector module is adapted to forward the lubricator means through it, when the packages are connected to each other and to the

well head, for the purpose of injecting the wireline or coiled tubing into the well or well head,.

As concerns claims 2 and 20-21, Council shows a well barrier package the well barrier package being adapted to be fitted onto the well head, the injector package 50 being adapted to be fitted onto the well barrier package, the lubricator package 64 being adapted to be fitted onto the injector package, and wherein the injector module is adapted to forward the lubricator means through it, when the packages are connected to each other respectively and to the well head.

As concerns claims 3 and 28, Council shows the injector package 50/54 is provided with a separate, preferably self- standing, injector module through which of the lubricator means is forwarded (col 6 lines 22+).

As concerns claim 4, Council shows the injector module for forwarding the lubricator means through it also is adapted to inject the wireline or coiled tubing into the well or well head (col 6 lines 22+).

As concerns claims 7-8 and 30, Council shows the well barrier package 28/16 comprises an upper well barrier module 28 and lower well barrier 16 arranged below the injector package 50, preferably being a part of the injector package.

As concerns claims 23-24, Council shows that the lubricator means is capable of being retracted, the injector module is used for injecting the coiled tubing by means of driving elements into the well (col 6 lines 22+).

As concerns claim 25, Council shows the lubricator means (13, 29, 30) is forwarded from its retracted position and connected to the well barrier package 28/16 before the coiled tubing 62 is disconnected from the well head.

As concerns claim 26, Council shows that the coiled tubing 62 and the lubricator package 64 are removed or disconnected as one single unit or separately from the injector package 50.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Council 5,244,046. Council does not show at least two driving elements being adjustable; however, Carlsen shows a similar subsea injector system 50 with lubricator have two driving element with the coiled tubing, after the retraction of the lubricator means through the injector module, is injected into the well or well head, the spacing between said driving elements being adjustable so as to engage the driving elements and the coiled tubing during the injecting operation of the injector module (figs 6a-6c). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Council, as taught by Carlsen, to include adjustable

injectors allow passage of tools and accommodate varying widths of coiled tubing, thus improving the versatility of the apparatus.

5. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Council 5,244,046 in view of Headworth. Council does not show a surface injector; however, Headworth shows a similar system having the coiled tubing is arranged with a tension defined by the system, extending from a surface injector 22/23 to the injector module. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Council, as taught by Headworth, to improve the efficiency of coiled tubing insertion with surface and subsurface injectors.

Allowable Subject Matter

6. Claims 5, 6, 8, 9, 11-18, 29, and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed 11/21/07 have been fully considered but they are not persuasive. Applicant's arguments regarding Council and the interpreted telescoping element and/or that the box/stripping element proposed to be fixedly attached to the telescoping element are noted, but the claim language does not preclude the above rejection, thus is not persuasive. Element 35 moves the stripper 40 from positions in

figure 1 to 3 and the claims only requires it to be moveable not whether is also rotated or not.

Applicant's arguments regarding, Carlsen and Headworth, the primary reference does include the base elements and thus is combinable to complete the rejections above.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Beach whose telephone number is

Art Unit: 3671

571.272.6988. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571.272.6998. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas A. Beach

/Thomas A Beach/
Primary Examiner, Art Unit 3671

February 18, 2008

THOMAS A. BEACH
Primary Examiner
Group 3600